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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/879,677	06/12/2001	Yesim Erke	END920010025US1	5004

7590 09/03/2003

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EXAMINER

ZEENDER, FLORIAN M

ART UNIT	PAPER NUMBER
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3627

DATE MAILED: 09/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/879,677

Applicant(s)

ERKE ET AL.

Examiner

F. Ryan Zeender

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 July 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) 14-18 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 20-23 is/are allowed.
- 6) ☒ Claim(s) 1-4, 8, 10-13 and 19 is/are rejected.
- 7) ☒ Claim(s) 5-7 and 9 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

Claims 1-4, 8, 10-13, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over of Peterson et al. '522 in view Feigin et al. '196.

Peterson et al. '522 disclose or inherently teach a method of determining inventory levels of parts for a plurality of stocking locations (i.e., vendors); the method comprising the steps of providing data and request rates (i.e., purchase orders) for a plurality of customer (i.e., end user) locations, unit price, handling costs (Col. 5, line 15), and transportation costs (see Col. 5, line 14) for other vendors and customers.

Peterson et al. '522 lack the teaching of the providing handling costs, travel time, specifying a parts procurement time performance measure and entering the data into a computer program, computing inventory levels using the computer program and ordering to maintain part inventory levels.

Feigin et al. teach a method of determining inventory levels of parts for a plurality of stocking locations (retail locations) including a parts procurement time performance measure (lead time, "L" which includes travel time) and entering the data into a computer program, computing inventory levels using the computer program and ordering to maintain part inventory levels.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Peterson et al. to include a parts procurement time performance measure and entering the data into a computer program, computing inventory levels using the computer program and ordering to maintain part inventory levels, in view of

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Feigin et al., in order to provide a means to more accurately project future inventory levels (See Feigin et al., Col. 1, lines 11-16).

Re claims 3-4: probability distributions are well known in the art of computer programming, and their use would have obvious to one of ordinary skill in the art at the time of the invention, in order to determine certain desired statistics.

Re claims 8 and 11: mixed integer optimization programs are well known in the art of computer programming, and their use would have obvious to one of ordinary skill in the art at the time of the invention, in order to provide certain desired results.

Re claim 10: Shipping companies such as “**FedEx**” provide information with regards to the time of shipping; and to compute this information would have been obvious to one of ordinary skill in the art at the time of the invention in order to provide the customer with precise delivery times.

Response to Arguments

Applicant's arguments filed 7/18/03 have been fully considered but they are not persuasive.

On page 15 of the arguments, the applicant states that “the lead time of Feigin et al. is for transfer of products between stocking locations, and not for transfer of parts to a customer location”. However, Feigin et al., in for example column 5, lines 33-48, discusses lead times for product transfer from a supplier to the warehouse and further from the warehouse to the retail locations. The applicant further argues that the lead time in Feigin et al. is substantially different than the parts procurement time performance measure of the present invention. However, as presently claimed in

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independent claims 1, 11, and 19, the limitations are met by Peterson et al. in view of Feigin et al. and therefor the rejection is maintained.

The applicant further argues that Peterson et al. in view of Feigin et al. lack the teaching of "ordering sufficient numbers of parts to maintain inventory levels at stocking locations, such that the performance measure is met". However, Feigin et al. does teach ordering to maintain part inventory levels, and it is obvious that the ordering would be dependent on meeting the performance measure (i.e., accounting for the lead time in order to get the parts to their destination at the right time).

Allowable Subject Matter

Claims 5-7, 9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 20-23 are allowed.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

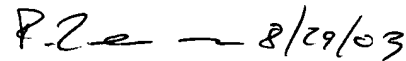
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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to F. Ryan Zeender whose telephone number is (703) 308-8351. The examiner can normally be reached on Monday-Friday, 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bob Olszewski can be reached on (703) 308-5183. The receptionist's phone number for the Technology center is (703) 308-1113.

The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

 8/29/03

F. Zeender
Patent Examiner, A.U. 3627
August 29, 2003